APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,446	06/28/2001	Pleyer Sven	03797.00042	5196

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EXAMINER
WINDER, PATRICE L

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/894,446	SVEN ET AL.
	Examiner	Art Unit	
	Patrice Winder	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *23 January 2006*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6, 8-14, 19-26, 28 and 30-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *1-6 and 8-14* is/are allowed.

6) ☒ Claim(s) *19-26 and 30-34* is/are rejected.

7) ☒ Claim(s) *28* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 19-26,28, 30-34 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 19-26 rejected under 35 U.S.C. 102(e) as being anticipated by Todd et

al., 6,742,059 B1 (hereafter referred to Todd).

4.   Regarding claim 19, Todd taught a method for providing information about at

least one device to a client, wherein the device and the client are part of a networked

management system (column 1, lines 9-12), the method comprising the steps of:

        (a) storing in a central memory coupled to the network, property information for

the device (column 5, lines 1-7);

        (b) receiving change information from the network indicating that a property of

the device has changed (column 5, lines 7-13);

(c) storing, in the central memory, the change information relating to the property

of the device (column 5, lines 7-13);

(d) storing, in the central memory, a property time stamp corresponding to the

change information indicating when the property of the device changed (column 5, lines

51-53);

(e) receiving a polling request for status information from a client regarding the

property, wherein the client has a client time stamp that is earlier than the property time

stamp (column 9, lines 15-23); and

(f) providing the change information to the client via the network responsive to

the polling request, wherein the client has accurate information regarding the device to

be controlled (column 9, lines 29-44).

5.   Regarding dependent claim 20, Todd taught a computer readable medium

having executable instructions for performing the steps recited in claim 19 (column 7,

lines 3-6).

6.   Regarding claim 21, Todd taught in a network comprising a plurality of clients, a

plurality of software controllable devices and a computer-readable medium, a

distributed system for controlling the devices (column 1, lines 9-12), comprising in

combination:

(a) at least one control object residing in the computer-readable accessible to a

software controllable device and exposing controllable properties for the respective

device, the control object accepting and issuing messages to and from the respective

device (column 3, lines 34-52);

(b) an event manager residing in the computer-readable medium accepting and issuing messages to the control object and storing the exposed controllable properties and property values of the devices (column 5, lines 1-13); and

(c) a user interface residing in the client adapted to receive property value information from the event manager, and accept and issue control messages to and from the event manager (column 7, lines 14-16; column 2, lines 40-45),

wherein the event manager serves as an interface for the client to issue commands to the software controllable devices and to receive updates of any changes to the properties values (column 2, lines 2-14), and

wherein the event manager has computer-executable instructions for performing the steps of: (i) receiving a polling request from a client for status information regarding at least one property of a device wherein the polling request provides a client time stamp indicating when the client last polled the event manager for property change information (column 9, lines 18-23); (ii) comparing the client time stamp information with the time stamp corresponding to when the property that the client requests last changed value (column 9, lines 29-40); and (iii) if the client time stamp is earlier than the time stamp corresponding to when the property that the client polled last changed value, providing the property value information to the client in response to the polling request (column 9, lines 40-44).

7.   Regarding dependent claim 22, Todd taught the event manager has a persistence store container identifying each control object of the devices to be controller (column 5, lines 13-21).

8.   Regarding dependent claim 23, Todd taught each control object in the

persistence store has associated parameters selected from the group consisting of an

identification of the control object, a name of the control object, a location of the

associated device, an exposed properties listing of the associated device, and a

property descriptor (column 3, lines 34-41).

9.   Regarding dependent claim 24, Todd taught the property descriptor enumerates

the exposed properties of the control object (column 3, lines 34-41).

10.   Regarding dependent claim 25, Todd taught the event manager has a custom

container identifying each control object based on locations of the associated devices

(column 3, lines 34-41).

11.   Regarding dependent claim 26, Todd taught each property stored in event

manager has an associated time stamp indicating when the property last changed value

(column 9, lines 29-44).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Todd

in view of Kumar et al., USPN 6,665,731 (hereafter referred to as Kumar).

14.   Todd does not specifically teach XML. An analogous art, Kumar discloses a

system for remotely accessing device information wherein the client communicates with

the event manager via extensible Markup Language (XML) (abstract, column 4, lines

53-60). Given the teaching of Kumar, a person having ordinary skill in the art would

have readily recognized the desirability and advantages of modifying Todd by

employing XML in the communication between the client and the event manager. This

benefits the system because XML is easily expanded to include new devices and data

types and can be viewed and utilized by a client of any platform.

15.   Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Todd in view of Foley et al., USPN 6,487,590 (hereafter referred to as Foley).

16.   Regarding claims 31, Todd does not specifically teach the software controllable

devices communicate via a COM. However, Foley further teaches the software

controllable devices communicate with the event manager via a component object

model (COM) (column 4, lines 3-10). Given the teaching of Foley, a person having

ordinary skill in the art at the time the invention was made, would have modified Todd's

object model to incorporate a COM model to utilize the advantages associated with

COM models.

17.   Regarding claims 32, Todd taught the client is not COM-enabled (column 3, lines

47-52).

18.   Regarding claims 33, Todd does not specifically teach a DCOM model. However,

Foley further teaches the software controllable devices communicate with the event

manager via a distributed component object model (DCOM) (column 4, lines 3-10).

Given the teaching of Foley, a person having ordinary skill in the art at the time the

invention was made, would have modified Todd's object model to incorporate a DCOM

model in Todd's event manager to utilize the advantages associated with DCOM

models.

19.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Todd in

view of Humpleman et al., USPN 6,546,419 (hereafter referred to as Humpleman).

20.   In an analogous art, Humpleman discloses a system for the remote monitoring

and control of devices wherein the devices are selected from the group consisting of

electronics, appliances, furniture, and fixtures (abstract; figure 3). Given the teaching of

Humpleman et al., a person having ordinary skill in the art would have readily

recognized the desirability and advantages of modifying the system of Todd by

monitoring one of the above-mentioned devices. This benefits the system by allowing a

user to monitor home equipment when away from home.

Allowable Subject Matter

21.   Claims 1-6, 8-14 are allowed.

22.   Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23.   The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or suggest a client subscriber to at least one controllable property and then polls an event manager for at least one controllable property as supported by the arguments on page 8 of the remarks, filed on January 23, 2006.
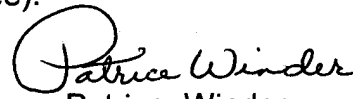
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

24.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Patrice Winder
Primary Examiner
Art Unit 2145

April 3, 2006